

REMARKS

Claims 1-18 and 20-29 are pending in the present application. Claims 1-8, 13-18, and 23-29 are withdrawn from consideration. Claims 9, 20, and 21 are amended. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 121

The Office Action acknowledges Applicants' election of claims 9-12 and 20-22. However, the Office Action fails to acknowledge that election was made **with traverse** and provides no response whatsoever to the arguments made in the Response to Restriction Requirement filed on April 7, 2004. As stated in the previous response, restriction is improper because the Examiner has failed to show that the existence of multiple allegedly distinct inventions presents an undue burden on the Examiner. The Examiner simply maintained the restriction requirement without any consideration of the traversal. Moreover, election becomes fixed when the claims in an application have received an action on their merits by the Office. See MPEP § 818.01. Therefore, election of both alleged inventions I and II is fixed by at least the Office Action issued September 10, 2003. Applicants maintain that the restriction is improper and respectfully request withdrawal of the restriction requirement and examination of all pending claims.

II. 35 U.S.C. § 103, Obviousness

The Office Action rejects claims 9-12 and 20-22 under 35 U.S.C. § 103 as being unpatentable over *Gosling et al.* (EP 0810524) in view of *Aggarwal et al.* (U.S. Patent No. 5,924,116). This rejection is respectfully traversed.

Gosling teaches an apparatus and method for processing servlets in which a specified servlet object corresponding to a request may be uploaded from a remote server to the server receiving the request. The specified servlet object is then executed to obtain dynamically generated information corresponding to the request. See *Gosling*, page 2, lines 29-34. *Gosling* states:

A server administrator may specify that part of the client request is the name of the servlet, as found in an administered servlets directory. At many sites, that directory would be shared between servers which share the

load of processing for the site's clients. Some servers may be able to automatically invoke servlets to filter the output of other servlets, based on their administrative configuration. For example, particular types of servlet output may trigger post-processing by other servlets, perhaps to perform format conversions. Properly authorized clients may specify the servlet to be invoked, without administrative intervention.

Gosling, page 4, lines 10-15. Thus, in *Gosling*, a client request may specify a servlet to provide output for a request. At best, *Gosling* teaches that a request may specify a servlet to provide dynamically created output.

In contradistinction, the presently claimed invention provides a server that may receive a request from a client and upload, from the client, a code module that may be used to respond to the request. The code module is signed at the client using a key and the signed code module is authenticated at the server. The Office Action acknowledges that *Gosling* does not teach uploading a servlet from the client to the server. However, the Office Action alleges that *Aggarwal* teaches this feature.

Aggarwal teaches caching of objects at levels in a proxy hierarchy. See *Aggarwal*, Abstract. *Aggarwal* also teaches that servlets from client cache may be used to upload program code to a server. The servlet's code may then be instantiated and executed at the server. See *Aggarwal*, col. 5, lines 14-21. However, *Aggarwal* does not teach or suggest that the servlet is identified in a request from the client, as recited in claim 9, for example. Furthermore, *Aggarwal* does not teach or suggest that the code module, the servlet, is signed with a key at the client or that the signed code module is authenticated at the server, as recited in claim 9, as amended. *Aggarwal* merely teaches caching objects at a client or proxy server and that the objects may include content, such as images or web pages, applets, or servlets. There is no suggestion in *Aggarwal* or *Gosling* of signing a code module at a client using a key and uploading the signed code module to a server to be installed and executed to respond to a client request.

The applied references, taken individually or in combination, fail to teach or suggest each and every claim limitation. Therefore, the proposed combination of *Gosling* and *Aggarwal* does not render claim 9 obvious. Independent claim 20 recites subject matter addressed above with respect to claim 9 and is allowable for the same reasons.

Since claims 10-12, 21, and 22 depend from claims 9 and 20, the same distinctions between *Gosling* and *Aggarwal* and the invention recited in claims 9 and 20 apply for these claims. Consequently, it is respectfully urged that the rejection of claims 9-12 and 20-22 is overcome.

Therefore, Applicants respectfully request withdrawal of the rejection of claims 9-12 and 20-22 under 35 U.S.C. § 103.

III. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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